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9 Attorneys for Debtor in Possession, Kenneth Michael Carvalho .

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**UNITED STATES BANKRUPTCY COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

In re:

KENNETH MICHAEL CARVALHO

Debtor in Possession

**Chapter 11**

Case No: 12-50827SLJ

**APPLICATION FOR APPOINTMENT AS ATTORNEY**  
**FOR DEBTOR IN POSSESSION**

The application of KENNETH MICHAEL CARVALHO respectfully represents:

1. On February 1, 2012, Debtor in Possession filed his Petition under Chapter 11 of the Bankruptcy Code. A trustee has not been appointed, and Applicant continues to function as debtor-in-possession pursuant to Sections 1107 and 1108 of the Bankruptcy Code.

2. Applicant has continued in possession of his business, and Applicant as Debtor in Possession is now operating and managing his business. Applicant is not sufficiently familiar

1 with the law to plan and conduct the proceedings herein without the aid of competent legal  
2 counsel.

3 3. Debtor, as Debtor in Possession, wishes to retain Javed Ellahie, Esq. and Ellahie &  
4 Farooqui, LLP as his counsel.

5 4. Applicant has selected the named attorneys because they have considerable experience  
6 in matters of this character, and Applicant believes that these attorneys are well qualified to  
7 represent Applicant in these proceedings. In particular, Applicant is informed that Javed I.  
8 Ellahie, Esq. has practiced bankruptcy for over thirty years and has handled several Chapter 11  
9 cases. Applicant is also aware that Javed I. Ellahie, Esq. is certified as Specialist in Bankruptcy  
10 Law by the Board of Legal Specialization, State Bar of California and has been serving as a  
11 Resolution Advocate under the Bankruptcy Dispute Resolution Program in the Northern  
12 District of California.  
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14 5. To the best of Applicant's knowledge, save and as disclosed herein, the named  
15 attorneys do not hold or represent an interest adverse to the estate, and are disinterested  
16 persons, and have no connection of any significance with the Debtor, creditors, or any other  
17 party in interest, their respective attorneys and accountants, the United States Trustee or any  
18 person employed in the Office of the United States Trustee.

19 6. The professional services of the named attorneys are to render include:

20 a. To give Debtor in Possession legal advice with respect to his powers and duties  
21 as Debtor in Possession in the continued operation of his business and management of his  
22 property;

23 b. To prepare and file documents required under the Bankruptcy Code in  
24 connection with prosecution of a Chapter 11 petition on behalf of Debtor;  
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- 1 c. To take necessary action to avoid avoidable liens;
- 2 d. To object to claims as appropriate;
- 3 e. To prepare on behalf of applicants as debtor in possession necessary
- 4 applications, answers, orders, reports, and other legal papers;
- 5 f. To prepare a Chapter 11 disclosure statement and plan at the appropriate time;
- 6 g. Dealing with parties in interest and their attorneys and agents as is necessary
- 7 during the pendency of this case; and
- 8 h. Counseling Applicant with respect to the bankruptcy, litigation and other issues
- 9 related to this case, and performing all other legal services for Debtor as Debtor in Possession
- 10 which may be necessary herein, excluding, however, the furnishing of tax advice and
- 11 representation of Debtor in possession I proceedings before any state court.

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13 7. The terms of employment of Ellahie & Farooqui, LLP agreed to by the Debtor in

14 Possession, subject to the approval of the court, are as follows:

15 a. Certain attorneys and other personnel of the Law Office will undertake this

16 representation at their standard hourly rates. The individuals presently designated to represent

17 Debtor in possession at their hourly rates are:

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Attorney/Legal Assistant	Hourly Rate
Javed I. Ellahie, Esq., Partner	\$375/hour
Omar M. Farooqui, Esq., Partner	\$300/hour
Lawrence M. Boesch, Esq.	\$300/hour
Aliah A. Abdo, Esq.	\$175/hour
Erum Chaudhry, LLM <sup>1</sup>	\$125/hour
Para Legals/Law Clerks	\$75 – 150/hour

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25 <sup>1</sup> Licensed in Pakistan Only

1           Some work may be done by other attorneys or legal assistants whose hourly rates may  
2 be different from those persons listed above. The standard hourly rates for Ellahie & Farooqui,  
3 LLP attorneys range from \$250 per hour to \$400 per hour, and the standard hourly billing rates  
4 for Ellahie & Farooqui, LLP legal assistants range from \$75 to \$150 per hour.

5           b. The hourly rates set forth above are subject to periodic adjustments to reflect  
6 economic and other conditions. The law firm will make periodic applications for interim  
7 compensation. Each application submitted by this firm shall include the services rendered by  
8 the firm in the time period covered by that application. In addition, the terms and conditions of  
9 the Ellahie & Farooqui, LLP employment include reimbursement of a number of expenses  
10 incurred in the course of the representations, such as photocopying, long-distance phone calls,  
11 computer research, delivery services, and travel.

12           8. The named law firm represents no interest adverse to the Debtor as Debtor in  
13 Possession or the estate in the matters upon which it is to be engaged for the Debtor in  
14 Possession, and its employment would be in the best interests of this estate.

15           9. Applicants desire to employ Ellahie & Farooqui, LLP under a general retainer because  
16 of the extensive legal services required. A retainer in the amount of \$ 35,000 for work in  
17 connection with the Chapter 11 case has been paid by Debtor for fees and costs.

18           10. Ellahie & Farooqui, LLP intends to apply to this Court for compensation and  
19 reimbursement of expenses in accord with the applicable provisions of the Bankruptcy Code,  
20 the United States Trustee's Guidelines, and the rules and orders of this Court. Pursuant to the  
21 Bankruptcy Code, the allowed fees and reimbursable expenses of Ellahie & Farooqui, LLP will  
22 constitute administrative expenses of the Applicant's estate.  
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1 11. Based upon the Declaration of Javed I. Ellahie of this application, and except with  
2 regard to the specific matters set forth herein, Applicant believes that Ellahie & Farooqui, LLP  
3 does not represent interest adverse to the Applicant or his estate in the matters in which Ellahie  
4 & Farooqui, LLP is to be retained, and that Ellahie & Farooqui, LLP is a disinterested person  
5 under Section 101(14) of the Bankruptcy Code.

6 **CONCLUSION**

7 Wherefore, Applicant prays that they be authorized to employ Ellahie & Farooqui, LLP,  
8 under a general retainer, to represent Applicants as Debtor in Possession in this case under  
9 Chapter 11 of the Bankruptcy Code, on the terms and conditions described in this Application.  
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14 Dated: February 10, 2012

/s/ Kenneth Michael Carvalho  
Kenneth Michael Carvalho, Debtor.

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